

**BOARD OF ATHLETIC TRAINERS
MINUTES**

DATE: November 7, 2019

TIME: 9:00 a.m. C.D.T

LOCATION: 665 Mainstream Drive
Poplar Conference Room, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: Helen Binkley, PhD, Chair
Craig Moorhouse, AT, Vice Chair
Jennifer Shumway, AT
Alex Diamond, MD

MEMBERS ABSENT: Walter Fitzpatrick, III

STAFF PRESENT: Mary Webb, Board Manager
Thomasina Scharkley, Board Administrator
Samuel Moore, Assistant General Counsel

I. Call to Order

A roll call of board members and administrative staff present was taken. With a quorum present, Dr. Binkley called the meeting to order at 9:00 a.m.

II. Election of Officers

A motion was made by Craig Moorhouse to nominate Dr. Helen Binkley as Board Chair. The motion was seconded by Jennifer Shumway. The motion carried. A motion was made by Alex Diamond, seconded by Jennifer Shumway, to nominate Craig Moorhouse as Vice Chair. The motion carried.

III. Approval of Minutes

Craig Moorhouse made a motion, seconded by Alex Diamond, to approve the minutes from the May 2, 2019 board meeting. The motion carried.

IV. Office of General Counsel

A. Conflict of Interest

Mr. Moore, Advisory Attorney with the Office of General Counsel, reminded Board members of the conflict of interest policy. If a member has any personal or financial interest which might appear to be a conflict of interest, whether it relates to a contested case, a rulemaking issue, or any other Board decision, that fact should be shared with the Board so that a decision may be made regarding the need for recusal.

B. Contested Case(s)

Angela Zilowowski, AT No. 1901, Docket No. 17.58-190725A. The licensee appeared before the board due to practicing on a lapsed license. The Department of Health assessed a penalty, but Angela Ziolkowski sought council to contest the penalty. Thomasina Scharkley, AT board administrator was called as a witness for the Department of Health. After being cross examined, the board members deliberated. Craig Moorhouse made a motion to accept the findings of facts as written, seconded by Alex Diamond. The motion carried. Alex Diamond made a motion to accept the conclusions of law as written, seconded by Craig Moorhouse. The motion carried. A motion was made by Craig Moorhouse to accept the Policy Statement, seconded by Jennifer Shumway. The motion carried. After questions and deliberating the disciplinary actions, a motion was made by Craig Moorhouse to accept No. 9 of the Disciplinary action as written, seconded by Jennifer Shumway. The motion carried. In discussing No. 10 of the civil penalty a motion was made to allow an extension of payments for two years by Alex Diamond, seconded by Craig Moorhouse. The motion carried. Alex Diamond made a motion to accept No. 11 of the Disciplinary action as written, seconded by Jennifer Shumway. The motion carried. A motion was made by Alex Diamond to make the changes for a two year extension for payment, seconded by Jennifer Shumway. The motion carried.

C. Agreed Order(s)

There were no Agreed Orders.

D. Litigation

Mr. Moore reported that there are currently six open cases with the OGC, of which four are, signed consent orders, one is in the early stages of litigation and one will be heard in the Contested Case. There are currently no pending appeals or civil suits against the Board at this time.

E. Rules

There is nothing to report at this time.

F. Consent Orders

Mr. Moore presented four (4) Consent Orders to the Board at this meeting.

1. Alexandra Grell, AT No. 1878, who was found to be working on a lapsed license at Lee University. Craig Moorhouse made a motion, seconded by Jennifer Shumway, to approve the Consent Order as written. The motion carried.
2. Lee University, Knowingly employed Mrs. Grell who had a lapsed license. Alex Diamond made a motion, seconded by Craig Moorhouse, to approve the Consent Order as written. The motion carried.
3. Brian Myers, AT No. 2078, who practiced as an Athletic Trainer on a lapsed license. Alex Diamond made a motion, seconded by Craig Moorhouse to approve the Consent Order as written. The motion carried.
4. Erlanger Hospital Knowingly employed Brian Myers who had a lapsed license. A motion was made by Craig Moorhouse, seconded by Alex Diamond, to approve the Consent Order as written. The motion carried.

G. Agreed Citations

There were no Agreed Citations to present.

V. Office of Investigations Report

Lori Leonard, Disciplinary Coordinator in the Office of Investigations, presented the disciplinary and investigative reports. There have been four (4) under a reprimand, one (1) under probation and two (2) under revocation. There have been four (4) new complaints filed against athletic trainers this year. Two (2) of those complaints were regarding unlicensed practice and two (2) of those complaints were due to unprofessional conduct. Twelve (12) complaints have been closed with eight (8) of them sent to the Office of General Counsel for formal discipline, two (2) complaints closed with no action and two (2) closed with a letter of warning.

VI. Division of Health Licensure and Regulation Report

Butch Jack introduced the new finance officer for the Division of Health Licensure and Regulation, Maria McCormick. Butch Jack proceeded with the Fiscal Year End report for fiscal year 2019, as follow: Payroll expenditures were \$17,756.84, total other expenditures were \$3,452.57. This constitutes a total of direct expenditures of \$21,209.41 for the year. Administrative cost were \$8,127.03, Investigations cost were \$4,534.87, Legal costs were \$8,246.72, Cash office fees were \$554.00. This constitutes a total allocated expenditures of \$18,462.62 and total allocated expenditures for the year were \$39,672.03. The total board fees collected for the year were \$120,502.55. There was a current year net of \$80,830.52, and the share of LARS improvement costs were \$1,956.16. The accumulative carry over was \$215,576.58.

VII. Applicant Interviews/Reviews

- A. Denise Bates, AT No. 2007. Applicant appeared before the Board due to being found practicing on a lapsed license. Ms. Bates addressed the board, explaining the reason for Kentucky assessing a fine on her license. After her interview and a brief discussion, and a recusal from Dr. Binkley, Alex Diamond made the motion to reinstate the license, seconded by Craig Moorhouse. The motion carried.
- B. Joshua Hobson, AT No. 2518. Applicant spoke to the Board by phone, due to having past criminal history on his criminal background report. Applicant answered questions from the board. Once the board was satisfied, Craig Moorhouse made a motion to grant the license, seconded by Jennifer Shumway. The motion carried.

VII. Ratification of Initial Determinations

Albright, Austin Tyler	Arrigo, Rebekah Jo	Azbell, Payton Chase
Bailey, Zach B	Balent, Heather	Braughton, Keyen Marcus
Bryant, Mckinlay	Burr, Kimberly	Campbell, Tyler Michael
Cap, Adam	Cathey, Kyle Alan	Cavalier, Hannah C
Cecil, Jennifer	Clos, Sarah Jean	Coca, Brittany
Colbert, Makayla Deshea	Crawford, Amethyst Moriah	Cunningham, Kelsey
Daniel, Ann Sutter	Davey, Joseph	Davis, Hannah Grace
Davis, Morgan Nicole	Derr, Briahna Lynn	Douglass, Dillon Jermaine
Duval, Robert Vaughn Jr.Dr.	Easter, Lauren Mrs.	Edenfield, Maggie
Fair, Mary Lee	Feinberg, Adam Matthew	French, Alexis
Gatewood, Lindsay Nicole	George, Taylor Nicole	Getner, Andrew
Gonzalez, Daniel	Graves, Whitney Marie Mrs.	Griffith, Jonathan
Gunter, Tyler Anthony Mr.	Hamilton, Anna Elizabeth	Hammond, Spencer
Hardin, Callen	Hogard, Kaylee Elizabeth	Holland, Troy Daniel
Hopkins, Georgia Katherine	Hudson, Lorna Whitney	Janutolo, Philip Jacob
Johnosn, Emily Nicole	Johnson, Chase Alexander Mr.	Johnson, Robert Ray II Mr.
Jones, Heather Rene	Joseph, Jordan Mrs.	Juarez-Logan, Cindi Nicole
Kalis, Lauren	Kennedy, Cassie Lynn	Kincaid, Cheresse
Kindsvogel, Destiny Katherine	Knopp, Hannah Ms.	Kuelling, Jeff
Kyger, Lindy	Labovich, Susan	Lawson, Jordan
Lichtenwalner, Nicole Jeanette	Lorick, Sarah Ashley Miss	Lumpkin, Joshua
Mallamo-Janski Chad	Mccarthy, Matthew Richard	Mcguire, Michaela Renee
Meyer, Mitchell Kory	Mister, Laura Hope	Moltz, Bryanna
Mueller, Maria Elizabeth	Murphy, Rayna	Palmer, Sarah
Parrish, Richard Dylan	Patrizio, Sely	Peck, Cassandra Gale
Perry, Ethan Jack	Perry, Morgan Elizabeth	Piche, Lyndsay
Picton, Scott Edward	Pitt, Erica	Potvin, Molly
Prusak, Amanda Marie	Raimondo, Gregory Michael	Rains, Emily Marie
Ray, Emily E	Robinson, Allie	Roy, Kelsey

Sacharczyk, Kendall Michelle	Sanders, Riley Elizabeth	Savage, Jennifer Lauren Dr.
Schafer, Taylor Rose	Schaunaman, Kayla	Sheridan, Michael Thomas
Simmonds, Alicia	Simpson, Kevin Andrew Mr.	Snow, Virgie Renee
Sopka, Melinda	Spear, Kathryn	Stanton, Dustin Richard
Stewart, Hannah	Tatman, Justin Andrew Mr.	Taylor, Mackenzie Danielle
Webster, Amanda Frescoln	Wells, Timothy John	Westover, Brianna Faye Rose
Wilhelm-Glab, Kendall Mary Miss	Williams, Gabriela	Witaker, Mckenna
Wollmuth, Rebecca Claire	Zingale, Hannah	

A. Newly licensed. Motion made by Alex Diamond to approve newly licensed and this was seconded by Craig Moorhouse

Baker	Richard C
Betti	Claire Isabelle Mrs.
Carpenter	Steven Thomas
Carter	Casey Carlton
Duncanson	Robert Wyant
Manus	Marisa Ann
Simmons	Christopher Bernard

B. Reinstatements. Motion made by Alex Diamond to approve the reinstatements and this was seconded by Craig Moorhouse.

Forbes, Kris Alan
Hauler, Chris Alan
Korte, Gabriella Winchester

C. Closed Files. Motion made by Alex Diamond to approve the closed files and this was seconded by Craig Moorhouse.

The motion carried.

IX. Administrative Report

Thomasina Scharkey gave the administrative report as follows:

Statistical Report

As of April 26, 2019 through October 31, 2019, the statistics for the Board for this reporting period are as follows:

Total Active Licenses: 1,160	Total Renewals: 227
Initial Licensees: 27	Online Renewals: 194
Reinstatements: 6	Cash Office Renewals: 33

Retired: 3	Revenue Renewals: 0*
Expired: 44	Closed files- 3

For Athletic Trainers, the number of online renewals during this reporting period constituted a usage rate of 85%.

CE Audit report from Jan-June 2019 were ten (10) Athletic trainers. Six (6) Licensees Complaint that equal 60% and four (4) licensee's non-complaints to equal 40%. Non-complaint breakdown, there were three (3) licensees deficient in the required number of CE hours and one (1) licensee who failed to contact compliance unit after receiving their second notice of audit letter via certified mail. CE audit report for July 2019-October 2019 there were seven (7) licensees audited of these there were two (2) licensees complaints to equal 29% and five (5) licensees non-complaint to equal 71%. The non-complaint breakdown, there were three (3) licensees deficient in the required number of CE and two (2) licensees who failed to contact compliance unit after receiving their second notice of audit letter via certified mail.

X. Correspondence

There was no correspondence to review at this board meeting.

XI. Legislation

Samuel Moore spoke on behalf of Legislative Affairs. He spoke of the new laws that have been put into place. Those laws were Public Chapter Act 61, Public Chapter Act 144, Public Chapter Act 195, Public Chapter Act 229, Public Chapter Act 243 and Public Chapter Act 447

XII. Rulemaking Hearing, Rule Amendments, and Policies

Samuel Moore advises that there is nothing new to report.

XIII Discuss New and Old Board Business

XIV. Board Meeting Dates

November 5th

XV. Adjournment

There being no further business, Craig Moorhouse made a motion to adjourn the meeting, seconded by Jennifer Shumway. The meeting was adjourned at 12:15 p.m. CDT.

Board Chair

Date

These minutes were ratified by the board at the November 7, 2019 meeting.

THESE MINUTES HAVE BEEN RATIFIED AT THE ATHLETIC TRAINER BOARD
MEETING on MAY 19, 2020